

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARIBEL BAEZ, *et al.*,

: 13cv8916

Plaintiffs,

ORDER

-against-

NEW YORK CITY HOUSING AUTHORITY,

Defendant.

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WILLIAM H. PAULEY III, District Judge:

By Memorandum & Order dated December 15, 2015, this Court found that the appointment of a Special Master was warranted and invited proposals from the parties. This Court has carefully reviewed the parties' submissions. Plaintiffs' proposal envisions inter alia, the power to retain clerical staff, consultants, and experts, and the power to conduct evidentiary hearings. Such elaborate machinery entails significant expense, which will be borne by the New York City Housing Authority ("NYCHA"). This Court is reluctant to cede any adjudicatory functions to a Special Master.

As this Court noted in its earlier Memorandum & Order, "NYCHA has been out of compliance with the Consent Decree from the day it was entered by this Court." Baez, et al., v. New York City Housing Authority, 13cv8916, 2015 WL 9809872, \*2 (S.D.N.Y. Dec. 15, 2015). Thus, the issues regarding NYCHA's failure to comply with the Consent Decree merit an innovative approach before launching the equivalent of a monitorship.

Accordingly, this Court gives notice of its intent to appoint Professor Francis McGovern as a Special Master for a period of four months to explore with the parties and their

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respective experts: (1) why NYCHA has failed to comply with the Consent Decree; and (2) what steps can be taken to bring NYCHA into compliance.

This Court has known Professor McGovern professionally for over fifteen years. He has assisted this Court and numerous other federal district judges in complex class actions of all kinds throughout the United States. This Court asks Professor McGovern to contact counsel in this action. In addition, Professor McGovern should submit a letter indicating his compliance with Federal Rule of Civil Procedure 53(a)(2), and his willingness to accept such an appointment and work at a discounted public service rate.

The parties are invited to respond to this Court's suggestion of the appointment of Professor McGovern by January 29, 2016.

Dated: January 22, 2016  
New York, New York

SO ORDERED:



WILLIAM H. PAULEY III

U.S.D.J.

*All Counsel of Record.*